

PB-27a: Mr Morris

# REPLY

OF

## WILLIAM MORRIS,

MEMBER OF THE LEGISLATIVE COUNCIL

OF UPPER CANADA,

TO

## SIX LETTERS

ADDRESSED TO HIM

BY

JOHN STRACHAN, D. D.,

ARCHDEACON OF YORK.

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TORONTO:

PRINTED AT THE SCOTSMAN OFFICE, 54, NEWGATE STREET.

MDCCXXXVIII.

# E. M. MORRIS PAINTINGS TO BE AUCTIONED SOON

Proceeds Will Be Used to Establish  
Art College Scholarship

Some seventy paintings by the late Edmund M. Morris, A.R.C.A., will be auctioned soon in the Jenkins Art Galleries and the proceeds used to found an art scholarship in the Ontario College of Art. This will comply with the will made by the artist, prior to his accidental death by drowning in the St. Lawrence river in Quebec.

The canvasses consist mostly of scenes sketched in the far north and Canadian west while he was painting portraits of noted Indian chiefs for the Ontario, Alberta and Saskatchewan governments and which were his most notable works. His portraits of the Ojibway chiefs hang in the Ontario parliament buildings to-day.

Japanese prints, books on art and etchings went to the Toronto Art Museum and engravings to the Royal Victoria Museum by terms of the will. The Ontario museum received a black walnut cabinet and four old military bookcases.

E. M. Morris was born at Perth in 1871 and was 38 years of age when he died. His father was the Hon. Alexander Morris, at one time lieutenant-governor of Manitoba.





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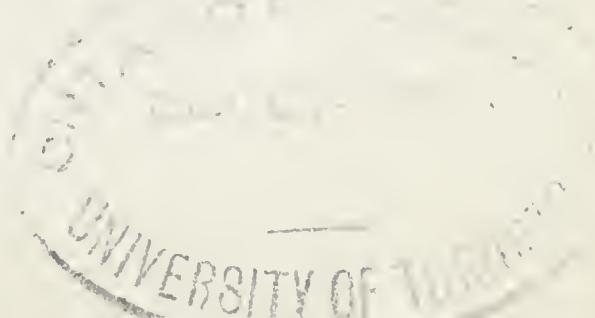
**ARCHDEACON OF YORK.**

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31389

PERTH, U. C., 13th DECEMBER, 1837.

To the Hon. and Ven.

The Archdeacon of York.

SIR,—To the politeness of the Rev'd Editor of the Church I suppose I am indebted for Nos. 25 and 26 of that paper, which reached me last night. In them I perceive numbers 1 and 2 of a series of letters which you are addressing to me through the medium of that journal, and this is briefly to say that when you have completed the series, and when the enemies of our country are subdued, you shall receive a reply from,

Sir,

Your obedient humble servant,

W<sub>M</sub>. MORRIS.

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PERTH, UPPER CANADA, JANUARY, 1838.

To the Hon. and Ven.

The Archdeacon of York.

SIR,—I have neither time nor inclination to enter into a minute investigation of all the charges which you have thought proper to bring against me and those who deputed me to represent their claims with Her Majesty's Government, but shall content myself with noticing the principal allegations contained in the several letters which you have been pleased to address to me in the columns of "The Church," published at Cobourg, and also in the address to your Clergy of the 13th September last; and in doing so it will be my study to avoid the use of language calculated to awaken angry feelings, or bitter recollections, and thereby put it out of your power to complain that either the violence of my manner or the wickedness of my motives are unbecoming the solemnity of the subject connected with which all these disputes have arisen. How far you were under the influence of such a desire when you penned your recent address to the Clergy of your Archdeaconry, and your letters to me, I leave to the impartial and candid judgment of those who may have read these documents.

The conclusion is irresistible, that if *assertion* is *proof*, the reader of much you have written in support of the claim of the

Church of England to enjoy the whole of the Clergy Reserves, and in opposition to that of the Church of Scotland to a portion thereof, must be of opinion that the clergy and members of the Church of Scotland in the Provinces of Canada are unworthy of the christian name, and have forfeited all right to be regarded as possessing either honest or honorable principles, else it would be wrong in you to say that we are "anxious for the destruction of your church," and attempt to "rob and plunder" her, that we are "deplorably hypocritical," and under the influence of many other evil motives and passions, which you have pourtrayed in no very measured terms. If I, or those who think with me on these conflicting claims, are indeed as "foolish," "absurd," and "wicked" as you have described us to be, we need not complain that you have not exercised christian charity in making up your judgment on our proceedings; for besides being very "senseless," you say that we urge apprehensions without foundation, "and which we do not believe to be true." It may create surprise that the assertion of a claim to a national right, which you denounce as absurd, senseless, and wicked, should, from the very first moment that it was preferred, find so many eminent members of the English Church to give it countenance and support,—eminent not only on account of their exalted character and rank in society, but some of them from their extensive legal acquirements, and Parliamentary experience. Can they with propriety be charged with lukewarm or other unbecoming feelings towards the venerable establishment to which they belong? or is it at all likely that their respect for the Church of Scotland, and their sense of justice, could so bewilder their judgment that they would violate the most sacred obligations as christians and men of honor, and join in a deliberate act of "robbery" and "plunder"? where the very possibility of private interest or local feeling is out of the question!

Need I refer to the opinion of the three legal advisers of the Crown in the year 1819?—to Lord Grenville, who was a member of the House of Commons when our Constitutional Act passed, and who actually framed the bill?—to the Earl of Haddington? — to the Earl of Harrowby's speech in the House of Lords on the 26th June, 1828, when the petition of the Presbyterians of Lower Canada was laid on the table?; on which occasion His Highness remarked that he "would not have said a word upon the subject of the petition presented by the noble lord (Haddington)

"dington) had not a reference been made to the opinion of Lord Grenville ; but as such reference had been made, he felt himself called upon to state, that he had repeated conversations with that noble lord (Grenville) upon the subject, and he (Lord Grenville) had not only expressed his opinion so, but had requested him (the Earl of Harrowby) if any opportunity should offer, to state that both his own and Mr. Pitt's decision was, that the provisions of the 31 Geo. 3 were not intended for the exclusive support of the Church of England, but for the maintenance of the clergy generally of the Protestant Church."

In answer to this authority you may appeal to the Parliamentary Register, and shew, that when the bill was first introduced, Mr. Pitt did say that the reservation was intended for the support of the clergy of the Church of England ; and to meet that ground, I take the same record, to prove that that distinguished statesman must have altered his views on the subject during the progress of the bill, else he could not have suffered Mr. Dundas to remark that "by the provisions of the bill, the clergy of the Church of Scotland would have better livings in Canada than they have in Scotland," without contradicting him. I have quoted Mr. Dundas's observations from memory, but I think they will be found, upon reference to the printed debates, to be circumstantially correct. This view of the subject may account for the "decision" which Lord Grenville said he and Mr. Pitt had come to. Surely it would be unreasonable to imagine that the Marquis of Lansdowne would be guilty of robbing the Church of England in this or any other part of the world. Hear, then, his words on the same occasion ; I mean in the House of Lords in June 1828. "The Marquis of Lansdowne said he did not feel anxious to prolong an incidental discussion upon a subject of such great importance, the more particularly as a committee of the other House were at that very time engaged in submitting the subject to the most accurate investigation, but he could not refrain from declaring that he never could understand that wherever any act of Parliament named the Protestant clergy, it named the Protestant Episcopal clergy. It should be remembered that that was the Legislature of England and Scotland, a perfect parity existing between the two. Scotland was not to be considered as a dependency from England, but as united with her upon the principle of Mr. Pitt—upon the principle of the union between England and Ireland—upon the principle of perfect union and perfect equality. It was not,

"therefore, to be understood that the church of Scotland was  
 "confined to Scotland ; and many years had not elapsed since  
 "Colonies were as much connected by legislation with Scotland  
 "and the Kirk of Scotland, as they were with England and the  
 "Church of England.

" It was determined that the Church of Scotland ought to be  
 "provided for in the East Indies, as well as the Church of Eng-  
 "land, and, in consequence, a corresponding establishment was  
 "given to that colony. He contended that the presumption  
 "was, that the act alluded to implied the Protestant Church at  
 "large, for he thought that reports were not for a moment to be  
 "put in competition with the solemn declaration of the noble  
 "lord who had introduced that measure." Even Earl Bathurst,  
 who spoke next, and who contended that the church of England  
 should be first provided for, and "that any surplus might be de-  
 "voted to the use of the Presbyterian clergy," "agreed with the  
 "noble Marquis that the Protestant establishment was not exclu-  
 "sively contemplated by that act. He acknowledged in some  
 "degree the claim of the church of Scotland, according to the  
 "provisions of the 31 George 3d," and "admitted that the  
 "allotment of one seventh looked like an intention to make some  
 "provision for the church of Scotland also." Next in debate  
 followed Lord Goderich, who "thought the act of Parliament  
 "contemplated a provision for the maintenance of another Pro-  
 "testant clergy besides the clergy of the church of England."

I admit that the Bishop of Chester took the same view of the question that you do, and asserted that, "whenever Parliament  
 "speaks of a Protestant clergy, by that is always understood  
 "the Protestant Episcopal Clergy : the constitution recognises no  
 "other, except in Scotland," and, he added, "that if any thing  
 "were taken for the support of the Presbyterian clergy from  
 "the Clergy Reserves, which had been appointed to the clergy  
 "of the Church of England, it would be a spoliation." "The  
 "Earl of Haddington denied that it would be a spoliation to  
 "give the Presbyterian clergy a provision from the Clergy Re-  
 "serves;" and a similar denial on my part, in Upper Canada,  
 has frequently, since the year 1823, exposed me to unpleasant  
 attacks, both in the public prints and otherwise, and lately to  
 the application of epithets by you, which, if they could injure  
 me, cannot serve the cause you espouse. It may not be out of

place, now, to notice the Bishop of Chester's explanation of the parliamentary language, "*a Protestant Clergy*" and it is impossible for me to do it so effectually as by quoting a part of a debate that took place during the same year, 1828, in the House of Lords, on the bill for the repeal of the Test and Corporation Acts.

"The Earl of Haddington, in reference to what had fallen from the Earl of Eldon, contended, that that noble Lord had been guilty of an omission, when he stated that the constitution of this country consisted of the state and of the Church of England. The Church of Scotland was as much a part of the constitution as the Church of England, and for this reason it was not omitted in the preamble of the bill, but the inviolability of both churches was maintained. The Church of Scotland, indeed, required and needed no test, and he would never consent that any should be imposed for its protection. He was equally well persuaded that the security of the Church of England was not increased by the Corporation and Test acts, and, therefore, voted for their repeal." "The Earl of Eldon denied that he meant to exclude the establishment of Scotland, when speaking of the constitution of this country in church and state." How far the admission of the eminent and venerable Earl may serve to elucidate the same expression in the act appropriating the Clergy Reserves in this country, may not become me to say; but I think you will not venture to assert that you "have authorities which you consider far more sound."

After having given so many authorities in favour of the claim of the church of Scotland to enjoy a portion of the Clergy Reserves; it may, by some, be thought superfluous to add more, but when a person of your years, your high standing in society and in the church, charges me "and my constituents" with "public robbery and spoliation," to the commission of which you say we "are urging her Majesty's Government," I may claim further your attention, while I endeavour to show, that although our application to government, is styled by you "an aggressive attack, as senseless as it is wicked," we have some comfort in looking at the names of honourable men in England, both in and out of parliament who have thought it no robbery to give us their assistance. The Committee of the House of Commons

on the civil government of Canada, in 1828, was composed of I think, upwards of thirty of its most distinguished members, including, if my memory serves me, Sir Robert Peel and Mr. Stanley, but as you have access to the journals of that body, you can easily ascertain if I am mistaken ; and that tribunal, after a laborious and patient investigation, during which were called to the aid of its own judgment and legal knowledge, the research and investigation of Lord Sandon, Mr. Wilmot Horton, then under Secretary of State for the Colonies, James Stephen, junr., Esq., employed at that time as counsel to the colonial department, and now one of the under Secretaries of State, and to whose sound judgment and legal acquirement you have borne honorable testimony, I say, that talented committee, with all the information that was necessary to lead their minds to a correct conclusion, and with a full knowledge of the arguments that have been urged for and against our claim, pronounced the following important decision :

“ The act of 1791 directs that the profits arising from this source shall be applied to a Protestant clergy : doubts have arisen whether the act requires the government to confine them to the use of the Church of England only, or to allow the Church of Scotland to participate in them. The law officers of the crown have given an opinion in favour of the rights of the Church of Scotland to such participation, in which your committee entirely concur.”

Besides the opinion of the noble Lords, and members of this committee, unhessitatingly declared in favour of the just, legal, and constitutional rights of the Scottish church, Mr. Horton, on his examination before the committee, (see the committee's report published by order of the Assembly of Lower Canada, page 312) was asked the following question : “ Should you not be disposed to say that government and the Legislature of England should be very cautious of doing any thing which could give rise to the slightest suspicion that there was any intention of establishing a dominant church in that country ? ” and after giving several reasons as the ground of his belief, he added, “ as I conceive the words ‘ Protestant Clergy ’ to refer to clergy of the two recognized establishments ; and it appears to me, from the construction of those clauses, that a special endowment of land, in cases where there was a de-

" mand, for the Church of England was provided for, whereas  
 " there was no provision made for the Scotch Church. I con-  
 " sequently consider that I am justified in inferring that the  
 " Church of England was intended to be so far a dominant  
 " church as to have the advantage of lands specifically appro-  
 " priated for its maintenance, as contradistinguished from the  
 " Scotch Church, which was to have such proportion of the  
 " profits, rents and emoluments of those reserves as, under the  
 " discretion of the Executive Government, it might be expedient  
 " to allot to them. But it appears to me quite conclusive, that  
 " there was no intention of necessarily establishing the Church  
 " of England as a dominant church, inasmuch as the 41st  
 " clause gives a power to the local legislatures, with the consent  
 " of the crown, of altering all the provisions which are con-  
 " tained in the 36th, 37th, 38th, 39th and 40th clauses."

It is not for your information that I quote all those opinions, for I cannot suppose for one moment that you never read them, or having read, that they have escaped your recollection ; but I am anxious that many persons in the colony, who may never have seen the proceedings of the committee of the House of Commons on the civil Government of Canada in 1828, and the other documents and debates to which I refer, and who may have your version of the matter put into their hands, should know the other side of the question also, and thereby be enabled to judge of the propriety of your unmeasured abuse of the clergy and members of the Church of Scotland, heaped upon them for no other reason than their constitutional advocacy of claims and rights, which they conscientiously believe to be founded on law and justice, and which have uniformly received the countenance and support of many of the first men of the nation, as sincerely attached to the Church of England as you or any other individual who may uphold your exclusive claim to the whole of these appropriations.

Mr. Stephen, after communicating to the committee his opinion that the act of 31st Geo. 3, contemplated a provision for other clergy than those of the Church of England, was asked, " when you speak of the Royal Bounty, do you mean " the rents, and profits that may be made from the Clergy Re-  
 " serves ? " &c., he said, " not the rents and profits merely. I  
 " apprehend that the King might, if it should please him, ap-

" appropriate in perpetuity a certain portion of land for the susten-  
 " tation of one or more English clergymen, or of one or more  
 " Presbyterian clergymen of the Church of Scotland." And although that gentleman has had nine years to deliberate on the soundness of that opinion, and to consider your arguments on the subject, as contained in the speech you delivered in the Legislative Council on the 6th March 1828, and which was published in pamphlet form and widely circulated,—I say, notwithstanding these opportunities of maturing his judgment and correcting any error which he might have fallen into, he informed me in June last, that "*the opinion I gave to the Committee in 1828 is my opinion now,*" and thus has Mr. Stephen rendered himself obnoxious to a portion of the censure which you are pleased to bestow on all those who question the legality of your position.

Although what I have already adduced to sustain the claim set up by the members of the Church of Scotland is to my mind quite conclusive against your exclusive pretensions in favour of what you are pleased to denominate the "Church of the Empire;" yet I think it is material to return to the proceedings of the Imperial Parliament, when the act 7th and 8th of Geo. 4th, authorizing the sale of a part of the Clergy Reserves, was under consideration, by which it will be seen that a solemn pledge, in favour of the Church of Scotland, was given in the House of Commons by the Right Honorable R. W. Horton, under Secretary of State for the Colonies, who introduced and had the management of the bill, which pledge had the effect of removing a strong opposition to it on the part of Mr. Baring, Mr. Stanley and other Members. The observations are taken from the report, given by the London *Courier*, of the proceedings of the House of Commons, when in committee on the bill for the sale of the Canada clergy reserved land.

" Mr. W. Horton proceeded briefly to state the nature of the  
 " bill. \* \* \* \* \* "And here he felt himself authorized  
 " to state, that the government would have no objection to ap-  
 " propriate part of the profits to the maintenance of the clergy  
 " of the Church of Scotland in Canada, as well as to the support  
 " of the Established Church; and the reason why such appro-  
 " priation had not taken place before, was, that the lands being  
 " inalienable, and, therefore, generally unproductive, did not

" bring such an amount of income as would be sufficient to sup-  
 " port the clergy of even the Established Church. The present  
 " bill, then left the matter of appropriation still open. The pro-  
 " gressive sale of the lands was its sole object ; and as to the  
 " objection, that the maintenance of the clergy of the Church  
 " of Scotland was not contemplated in that appropriation, he  
 " would read the House a letter on the subject from the Bishop  
 " of Quebec, which would set all doubt upon the point at rest.  
 " (Here the right honorable gentleman read a letter from the  
 " Bishop of Quebec, the sum of which purported, that in the  
 " writer's opinion the maintenance of the clergy of the Church  
 " of Scotland, out of the profits of the reserved lands, was  
 " warranted by the act of 1791.)" In support of this branch  
 of my defence I will add another authority, which it might be  
 supposed you would how to with humble submission, had you  
 not already declared, in your second letter to me, that your  
 " confidence in our ~~natural~~ and constitutional protectors has  
 " been shaken," and that you have " resolved to pass all inferior  
 " authority, and to appeal to Her Majesty the Queen in Par-  
 " liament." The authority I mean is the message of His late  
 most gracious Majesty King William the IV., communicated to  
 the Provincial Parliament, on the 25th January, 1832, by His  
 Excellency Sir John Colborne, in which you may remember  
 His Majesty spoke of some changes which " may be carried into  
 " effect without sacrificing the just claims of the established  
 " churches of England and Scotland. The waste lands which  
 " have been set apart as a provision for the clergy of those ve-  
 " nerable bodies, (he said), have hitherto yielded no disposable  
 " revenue."

I might, in addition to the many wise, virtuous, and exalted  
 public characters referred to, as favourable to the view I have  
 long entertained of the claim of right set up on behalf of the  
 Church of Scotland, mention the names of Lord Glenelg and  
 Sir George Grey, and their recent correspondence with Princi-  
 pal Macfarlane and Dr. Black ; but as you have declared in  
 your address of the 13th September last, already alluded to, that  
 you will not " admit the opinion of individuals however high in  
 " the legal profession or in official rank, to dispose of our vested  
 " rights," I need only mention the names of those amiable  
 members of your own communion, to show more forcibly the  
 impropriety of the serious charges you have brought against those

who deny "that the provisions of the statute contemplate the "clergy of the Church of England and no other body"—charges which I will not repeat too often here, but which the reader may see in your address to the clergy and in your letters to me; and having seen and read them he may probably admit, that his curiosity found a painful gratification.

Having shewn, as I trust I have successfully, that our claim is not only considered just and reasonable by many of the first men of the nation, but legal also, I appeal to your own sober judgment if we have not great reason to complain of your oft repeated impeachment of our motives. Have we not a right to urge our claim, so often acknowledged by Her Majesty's Government to be well founded, until we realize some advantage by its possession? or are we to be told, when asking for what His late Majesty said was our own, that we are actuated by "the most malignant passions," and are seeking to "break down" your church, that ours may "rise on its ruins," and that "we would "much rather see you prostrate in the dust than actively employed in carrying the truths of the Gospel to the destitute "settlers"? Surely such language cannot tend to any good.— If the dispute is ever to be settled, reason and argument will be found to be much more useful auxiliaries, and will better accord with the "meekness and tranquillity" which you say your people have exhibited. We are *not* "enemies of your church,"—we make *no* attack on *her*; we admire her creed, we see in her doctrines, precepts and principles essentially like our own,—we acknowledge her great usefulness—we venerate her many shining luminaries, who by their lives and writings have shed a glorious light on the religious world, and we wish her peace and prosperity. At the same time, when we seek for some of the benefits which the clergy lands afford, we believe that we only ask for what law and justice would bestow, and we do not, cannot feel, that we do the church of England any violence, or should in consequence be styled her enemies. We make no attack on her, but we oppose the high handed intolerant measures which you have so industriously attempted to establish here, much to the injury of the cause you suppose you are promoting, and to the disapprobation of very many of the members of your own community.

You say in your first letter, that "the contest respecting the "Clergy Reserves was commenced by the members of the Kirk,

" and by them it has been continued. For a time you made a  
" common cause with other denominations against the Established  
" Church ; but since your connexion with the National Church  
" of Scotland has been indirectly acknowledged by the General  
" Assembly, you have deemed it prudent to drop your former  
" associates. You made use of them as long as they could be  
" turned to your advantage, and now you cast them off as a tat-  
" tered garment," &c. This charge is so very general and un-  
defined that it cannot well be met without occupying more of  
your attention than I have any inclination to do ; still, as it con-  
veys a censure, as I conceive, undeserved, it would be wrong to  
let it pass without animadversion. If your aim is to exhibit the  
part which I took in these matters, I am wholly misrepresented.  
The leading circumstances are these :— In the fall of 1823 I  
happened to read in the Parliamentary debates the proceedings  
which took place in the House of Commons when the Act 31,  
Geo 3, cap. 31, was under consideration, and to my surprise and  
gratification, I saw that Mr. Dundas expressed his satisfaction  
at the provisions of the bill, which he said would afford better  
livings to the clergy of the church of Scotland in Canada than  
they enjoyed in Scotland, and as the remark was permitted to  
pass without observation or contradiction, I naturally supposed  
that Mr. Pitt had agreed to change the object of the bill during  
its progress ; for when the subject was first under consideration,  
he said distinctly that the reservation of lands was intended for  
the support of the clergy of the church of England ; hence the  
"decision" that he and Lord Grenville came to. No sooner did  
I see this important, and, to me, new matter, in its proper light,  
than I resolved to bring the subject before the House of Assembly,  
in the shape of Resolutions preparatory to an address to the  
King, and accordingly I prepared what I thought was sufficient  
to assert the right of the church of Scotland, and laid the paper  
before the House. After some alteration, which implied a doubt  
as to the claim, and which I much regretted at the time, the  
Resolutions passed by a large majority, and were sent to the  
Legislative Council for concurrence, and as you say in your  
printed speech, which I have already noticed, "after a long and  
" warm debate, they were rejected. Had it not been for the  
" first and second, there would have been no dispute in regard to  
" the fifth ; for I believe it was the wish of every member that  
" some provision should be made for the ministers of so respecta-  
" ble a body as the church of Scotland. I well recollect my

"regret at finding myself compelled to oppose the Resolutions  
"on account of the assertions made in the two first," &c.

Now I would just ask, if it was your wish that some provision should be made for the ministers of the Scottish Church, why did you vote against the 5th Resolution, which you say there would have been no dispute about had it not been in company with the first and second? Was it not competent for you to ask a conference with the lower House on the subject, and there have proposed what you say was the wish of every member? But did you do so, or in any other parliamentary way evince the slightest approbation of encouragement to the Church of Scotland? The Journals of the Legislative Council say not. No amendment was proposed by you to the report of the committee of the whole house rejecting the application altogether. Had you felt the least desire to see any support afforded to that body, how could you vote against the 5th Resolution which is in these words?

*"Resolved*—That an humble address be presented to His Majesty, founded on the foregoing resolutions, praying that His Majesty will be graciously pleased to direct such measures as will secure to the clergy of the Church of Scotland, residing, or who may hereafter reside in this Province, such support and maintenance as His Majesty may think proper."

This certainly was a favourable opportunity for the manifestation of that friendship which you professed to feel, and how did you embrace it? Not by amending the resolutions in your own house, nor by proposing to the other body any change which might remove your objections to the general measure; but as it turned out, when the journals of your house were searched, by a committee of the Assembly, by rejecting it wholly without assigning a single reason, as the following entry will shew:—

1823      {  
Tuesday, 23d Dec.      } Pursuant to order, the House resolved itself into a committee of the whole to take into consideration the resolutions on the subject of the claims of the Church of Scotland received from the Commons House of Assembly on Tuesday last.

House in Committee.

Mr. McIntosh in the chair.

The Speaker resumed the chair.

The chairman reported that the committee had taken the said resolutions into consideration, and would not recommend them for the concurrence of the House, and the question being put if the Report be accepted, it was carried in the affirmative. On motion made and seconded, the contents and no-contents were taken as follows :—

Contents.	Non-contents
The Hon. James Baby,	Hon. John McGill,
“ & Rev. John Strachan,	“ William Dickson,
“ Angus McIntosh,	“ Thomas Clarke,
“ Joseph Wells,	“ George Crookshank,
“ Duncan Cameron,	“ John Henry Dunn, 5.
“ Geo. H. Markland, 6.	

Thus did you reject the first & most important opportunity which ever came before you in your Legislative capacity, of showing the sincerity of your wish, that some provision should be made for the clergy of the Scots church ; and in the whole proceeding from that day to the present time, it does not appear that the members of the Church of Scotland “ made a common cause “ with other denominations against (what you call) the church,” but what would more properly be styled the unreasonable pretensions of yourself and a few other of her members. One thing I know, that the course which I felt proper to pursue, respecting the matter afterwards, was not with their sanction, for I had not their authority by correspondence or otherwise. I acted on my own responsibility, and I have never yet seen cause to regret what I did.

I think it was about two years afterwards that Lord Bathurst returned a very uncourteous answer to the address to His Majesty, in which he said the clergy lands were intended for the Church of England only. (At this time it was not known in the colony, that his Lordship had been informed, by the law officers of the crown, that such was not the case : nor was it

known either how, or for what particular object the school lands were set apart.) Considering the injustice of the answer, when compared with the opinion of Mr. Dundas in the House of Commons, and also the unreasonable attempt to secure to any one church, in a country whose population is composed as in this, one-seventh part of the soil, I thought then as I do now, that it would be better for the future interests of the community generally, that the whole reservation should be applied to the support of education; and, therefore, under the authority of the 41st clause of the act I introduced the resolutions which appear in the journals, on the 22d Oct., 1826, and which were laid before the committee by Mr. G. Ryerson, as proposed by a person whose name shall not be written by me. Mr. R. no doubt fell into an unintentional error, for the individual in question had no other hand in the matter than that of proposing an additional resolution after the others were adopted; and under the influence of these views I continued to act until the Home Government recognized the claim of the church of Scotland, by the message of the 25th January, 1832.

Whatever you may think of my conduct regarding the various shapes in which the question came up during the period between the years 1823 and 1832, the clergy and members of the Scottish church cannot justly be said to have made a common cause with other denominations against the Reserves, for *that* cause was that they should be sold and the proceeds applied to "education and general improvement;" and when the address to the King to that effect passed on the 20th March, 1828, the members of the Assembly of that body, including your humble servant, voted against it. But you say, further, for what object I cannot tell, that after using the other sects for our own purposes, we cast them off like a tattered garment;—where is the proof? in what instance did the ministers and members of the Scots church act in the way you represent? If my recommendation to Her Majesty's Government may be regarded as speaking the voice of the parties accused, the very reverse is the fact. Surely you could not have noticed my letter to Lord Glenelg of the 26th June last, when you made this assertion; for so far from "casting off" the denominations you speak of, I proposed that one third part of all the Clergy Reserves should be given to them! And if it is an object to secure the affection and good will of all classes the sooner this is done the better. And notwithstanding that my

Letter proposing such a distribution of the Reserves has been some months before the public, I have not heard any objection on the part of the Scots church to the plan I proposed.

You profess to be quite willing to submit the settlement of the Clergy Reserve question to the wisdom and justice of the Imperial Parliament, and you state that your church, as far back as the year 1822, proposed this mode for its final adjustment. If you are perfectly willing to submit to a declaratory Act of the British Parliament, I cannot account for the language you use in anticipation of a part of the Reserves being applied to any other purpose than the support of your clergy; for when you say that "what the "hand of violence takes away will be more than made up by the "affections of our people;" and again, "if, therefore, the property of the church be taken from us by legal oppression, we must "receive it as a trial of our faith." I say when you use such language in reference to the action of the Imperial Government, your readers may well suppose that you do not look with dutiful respect to any decision of the highest authority known to the constitution, if that decision should happen to be contrary to your wishes; and also, that your advice to the members of your church to abstain from any proceedings calculated to rouse their passions, would seem not to come with a good grace from one who teaches them to regard the constitutional amendment of the Act 31 Geo. 3, as "legal oppression." Had any of the clergy of the Scottish church spoken of the constitutional authorities of the Imperial Government in the strong terms of distrust and even disrespect which your address breathes, you would have been the very first to call them to a sense of their duty, and a due regard for the Queen and Parliament, by language such as this: "Our "clergy and laity are attached by taste, habit, and affection to "the mother country; our church is essentially peaceable and "loyal," which means, I suppose, that the clergy and laity of the Scots church entertain sentiments, the opposite of these commendable attributes. The late civil commotion afforded a favorable opportunity for testing the applicability of the inference, and I trust the verdict of the province is an honorable acquittal. And if I were to resort to the same method to ascertain the number of disaffected persons in the Province that you have done to prove how many of the inhabitants belong to the church of England, it would be the greatest libel on a loyal people that could possibly be invented. Of the number of traitors who had

seats in the House of Assembly, perhaps not one belonged to the Church of Scotland ; but would that circumstance prove that none of the rebels did ? and because several of them are said to be Episcopalians, are we to infer that a proportionate number of rebels are such ?—the very idea is absurd. Surely you were not in earnest when you devised this ingenious rule, knowing as you did that neither national origin nor religious profession was ever looked to by the electors of the Province as a guide for the exercise of their elective franchise. And it is a great pity that you should in the present excited state of public feeling, or indeed under any circumstances, direct the attention of the freeholders to the introduction of a system so subversive of the most invaluable principles of the Constitution. As your notice of the amount subscribed by the members of your church to aid their neighbors in the erection of the Scots church at Toronto, is quite in keeping with the above, I shall pay no further attention to it.

You remark that “ the religion of Scotland is confined expressly, by the articles of union as well as the laws, to Scotland—while the laws and religion of England extend, and ever have extended, to all the colonies.” The difference between us on this point is, simply, that you did not add to the above sentence these words, “ of England.” As to the British colonies, I mean those acquired by the United kingdoms of Great Britain and Ireland, they come not within the provisions of the Treaty of Union, for it is wholly silent on the subject ; and the church of England is no more established, by virtue of the Articles, or Act of Union, than the church of Scotland, and can only be so by an enactment of the United Legislature, such as that which was made, with regard to Canada, in the year 1791 ; and if that statute excludes the church of Scotland from benefits which the sister church enjoys, so does it interfere with the “ fundamental and essential conditions” of the union, which, according to the opinion of Mr. Chief Justice Blackstone, was intended to “ preserve the two churches of England and Scotland, in the same state that they were in at the time of the union ; and the maintenance of the acts of uniformity, which established our Common Prayer, are especially declared so to be. 3. That, therefore any alteration in the constitution of either of these churches, or in the liturgy of the church of England (unless with the consent of the respective churches,

"collectively or representatively given), would be an infringement of their 'fundamental and essential conditions' and greatly endanger the union." Later writers have doubted whether such an infringement would, of itself, dissolve the union, though they agree that it would be a manifest breach of good faith.

The words in the act 5th Ann, "and the Territories thereunto belonging," you construe as embracing the territories which might thereafter be acquired by the United Kingdom; whereas nothing can be more erroneous, for it is plain and obvious that the expression applies exclusively to the colonies that then belonged to the Kingdom of England, and not prospectively to those possessions which the *United Kingdoms* might secure by treaty, conquest or discovery, and any person who will calmly and dispassionately read the articles and acts in question, must come to this conclusion, unless his understanding is warped by the sophistry of special pleading. For the 5th clause of the Scottish act, which is recited in, and confirmed by the British act, enacts, that "the Parliament of England may provide for the security of the church of England as they think expedient, to take place within the bounds of the said *Kingdom of England*, and not derogating from the security above provided for establishing of the church of Scotland within the bounds of this Kingdom." The oath which the Scottish act imposes on the sovereign of the "Kingdom of Great Britain, at his or her accession to the crown" is, "that they shall inviolably maintain and preserve the aforesaid settlement of the true Protestant religion, with the government, worship, discipline, rights and privileges of this church, as above established by the laws of this kingdom in prosecution of the claim of right." And this oath was taken by her present Majesty, as I understand, according to the form of the church of Scotland.

The oath which the English act requires of the sovereign is, that he or she shall "maintain & preserve inviolably the said settlement of the church of England, and the doctrine, worship, discipline and government thereof, as by law established, within the kingdoms of England and Ireland, the dominion of Wales and Town of Berwick upon Tweed, and the territories thereunto belonging"—belonging to what? to the kingdoms of England and Ireland, and not by the utmost stretch of legal

ingenuity to the future colonies of England, Ireland and Scotland. The Church of England, "as by law established" at that period, extended not beyond the kingdoms of England and her territories, and nothing but an act of the British Parliament can place her in the position, with respect to the *British colonies*, that you contend for. No such enactment has yet been made, and I trust never will. You may call those "silly," who, like me, take this view of the subject, and stand forth in support of the rights of our native country ; but I look forward at no distant period to the time when the highest authorities of the land will declare your opinion of the law unsound.

If the Church of England were, as you assert, the "church of the Empire," she would not, according to Blackstone, be "in the same state that she was in at the time of the union," and consequently that interference, with the essential conditions of the treaty, which he so strongly deprecated, must have taken place ; but, probably our "ignorance" prevented us from discovering how or when. What do you think of Blackstone's declaration, that no alteration, even of the liturgy of the Church of England, can take place unless with the consent of the Church of Scotland ?

I will now turn to what you say on the establishment of the 57 Rectories— and without paying attention to the manner in which you discuss the subject, or the unworthy motives which you say actuated the ministers and members of the Scottish Church, content myself with a few observations explanatory of what appears to me to be the merits of the case.

By the constitution of the Province, the Lieutenant Governor in Council has an undoubted right, when authorized by our Sovereign, to establish and endow Rectories ; and by your address to the clergy of your Archdeaconry, it would seem that such authority or instructions had been received by the Colonial Government during the administration of "President Smith in 1818, and another by Sir Peregrine Maitland in 1825, besides a strong admonition from Lord Ripon in 1832." You follow up the above information by telling your clergy that as these instructions have not been abrogated or withdrawn, they would enable the present Government to endow Rectories through the whole Province. It may be so, but as passing events have cre-

ated a doubt in my mind, and as I have no wish to conceal the cause, it is at your service in the shape of interrogatories, which, perhaps, you may not decline answering.

1st.—If the instructions sent out in 1818 are in force still, and you have said so, how did it happen that fresh ones were necessary in the reign of George the 4th, i. e. in the year 1825, for the act does not speak of a "double set"?

2d.—If I am right in my conjecture, that the instructions received in 1818, during the reign of His Majesty Geo. 3d, lost their power and authority at his death, and made it necessary to send a fresh "set" in the next Reign, in 1825, would not they also become powerless in 1830, when George the Fourth died?

3d.—If either or both were in force, as you triumphantly declare, tell me why it was that the Executive Council established and endowed the 57 Rectories without the aid of these old documents.

4th.—If the Rectories were not established without the authority of the instructions sent out in the years 1818 and 1825, how is it that the Order in Council of the 15th January, 1836, makes no mention of them, but rests solely on the paper from Lord Ripon, which you call an admonition, for justification of the proceeding?

5th.—And lastly, if that "admonition" was ample authority for what the council did, please inform me why it is now necessary to revert to the old instructions?

All this, to me, has the appearance of lame management on your part, and may exonerate Lord Glenelg from the heavy load of blame with which you charge him for submitting an imperfect case to the Crown Lawyers. What other case, I would ask, could he submit than that which the council furnished? Surely it never could have entered His Lordship's head to go back to the reign of former Kings for directions to guide the Colonial Government, on a subject that had deeply engaged the attention of the Colonial Department under his own immediate superintendence. He knew that since the year 1827 the entire policy of the Home Government with respect to the Clergy Reserves

had undergone a change, and therefore might well inform His Excellency Sir F. B. Head, in the despatch of the 6th July last, that "you are aware that your despatch of the 17th December, "1836, contained the first official intimation which ever reached "me of the Rectories having been either established or endowed. "The fact had been asserted in Parliament, but I was not only "officially uninformed, but really ignorant that it had occurred." I say he might well express his surprise at the report which reached the government, aware, as he was, that no authority to his knowledge had been forwarded to Canada for that purpose ; and little dreaming that a matter of so much importance could engage the attention of the Colonial Council without his direct and special sanction.

You say in your letter, No. 2, that there is "no controversy but entire agreement that no other church can be endowed with lands, but the Church of England;" in this you are mistaken, for Mr. Stephen states distinctly in his evidence, that he thinks the act authorises the Sovereign to appropriate in perpetuity a part of the Clergy Reserves to the sustentation of clergymen of the Church of Scotland ; and when the committee asked him how he "reconciled that answer with the statement, that the act appears "to contemplate an endowment only of the Church of England," "he replied, "Because I apprehend that it is one thing to erect a parsonage and endow it with a glebe, and a different "thing to appropriate a piece of land for the maintenance of a "clergyman." You go on to say, that in accordance with this point, which is universally admitted, Sir John Colborne, after long deliberation, did, with the advice of his Council, in Jan'y. 1836, erect 57 Rectories. The expression "after long deliberation," convinces me that that excellent man and gallant officer, would have deliberated until now without assenting to any such proceeding had it not been laid before him, under circumstances of embarrassment and perplexity which pressed on his mind, at the moment of his departure from the colony, and which it would be indecorous in me to say more about, suffice it to mention that Lord Glenelg says it was almost the last act of Sir John's government, and you know that he had little opportunity for deliberation at that trying moment. Knowing these circumstances, I have always heard, with extreme regret, any censure cast on Sir John Colborne for the part he took in this affair, and think the whole blame should rather be charged against his advisers.

You speak of the formation of the Rectories, in all you have written, as a proceeding which no one had a right to complain of, or feel surprise at, and which the members of the Scots church have alone found fault with. But when you treat the subject in this light, you surely do not reflect on the impression which the public mind received against any such attempt, by the investigation in the House of Commons of everything connected with the appropriation and application of these lands. The question put by the committee to the Right Hon. R. W. Horton would, I conceive, lead any one to imagine that nothing could be further from the intention or understanding of the committee than that the Government had any such design. They said—"should you "not be disposed to say that Government and the Legislature of "England should be very cautious of doing anything which could "give rise to the slightest suspicion that there was any intention "of establishing a dominant church in that country?" and after the various reasons which he explained, and which I have already referred to, he added, "but it appears to me quite conclusive "that there was no intention of necessarily establishing a dominant church, inasmuch as the 41st clause gives a power 'to "alter the provisions of the act,' &c. Besides this, the speech of Mr. Horton in the House of Commons, on the Clergy Reserve sale bill, wherein he said the matter of appropriation was still left open for future consideration, led the public to believe that there was no intention on the part of Government to carry the provisions of the act into force; and this belief was again materially strengthened by the message to both houses of the Provincial Parliament of the 25th January, 1832, "inviting the Legislature "to consider how the powers given to it by the Constitutional "Act, to vary or repeal this part of its provisions can be called "into exercise most advantageously for the spiritual and temporal "interests of His Majesty's faithful subjects in this Province."— And not only the message but the bill which was submitted to the Assembly by the Attorney General immediately after, had the effect of convincing all who read it that no intention could exist of forming and endowing Rectories. One of the clauses is as follows, "That all the lands heretofore appropriated within this "Province for the support and maintenance of a Protestant clergy, now remaining unsold, shall be and they are hereby declared "to be vested in His Majesty, His Heirs and Successors, as of his "and their estate, absolutely discharged from all trusts for the "benefit of a Protestant Clergy, and of and from all and every

“the claims and demands of such clergy, upon or in  
 “respect of the same.” By Lord Goderich’s despatch of the  
 8th Nov. 1833 the same understanding is kept up, for his Lord-  
 ship remarks that “ His Majesty has studiously abstained from  
 “the exercise of his undoubted prerogative, of founding and en-  
 “dowing Literary or Religious Corporations, until he should  
 “obtain the advice of the Representatives of the people for his  
 “guidance in that respect.”

The proceedings of the Legislative Council during the session of 1835, which terminated in an Address to the King, tended likewise to a confident understanding on the part of the public, that the Executive Government would not interfere with the Reserves, for in that address, which it is more than probable you approved of, is the following language:—“ And we think it is for “many reasons much to be desired, that a speedy and final de-  
 “cision should take place of the questions which have arisen  
 “upon the effect of the statute referred to, and that it should be  
 “plainly, certainly, and firmly established, to what specific objects  
 “the Clergy Reserves shall be permanently applied. Confiding  
 “freely in the wisdom and justice of Your Majesty and of Par-  
 “liament, we earnestly hope, that with as little delay as the sub-  
 “ject may admit of, such an enactment may be passed as shall  
 “not leave any room for doubt or question in regard to the objects  
 “to which the proceeds of the clergy Reserves are to be applied.”

Now, after all these proceedings, ought it to be cause of offence to you, or any other person, that the public should feel not only disappointed but indignant that the settlement of the question respecting the Reserves should have been interfered with by the Executive Council before the Imperial or Colonial Legislatures had disposed of it, and without recent positive instructions to that effect ?

But you say, in your address to the clergy of your Archdeaconry, when speaking of our “deplorably hypocritical” conduct in finding fault with the establishment of the Rectories, “that so perfectly destitute of any foundation are such allegations, that no complaint has been made on the subject by any other denomination of christians in the province, several of which are unquestionably no less alive to their civil and religious rights than the Church of Scotland.” How you could possibly venture up-

on such an assertion is to me utterly incomprehensible, and I am sure every person in the colony at all acquainted with its public affairs, will feel equal astonishment. If the "Christian Guardian," published at Toronto, may be supposed to be the mouth piece of that numerous and respectable sect, the Wesleyan Methodists, and I believe this cannot be doubted, they, as well as the ministers and members of the Scots church, strongly condemn the measure, as the following editorial article, published in that paper in April 1836, immediately after the matter became known, will clearly shew:—

"CHURCH ESTABLISHMENT!"

"We have learned with extreme regret that His late Excellency Sir John Colborne has thought proper, during the latter part of his administration of the affairs of this Province, to take a step which, we are confident, will meet with the strongest disapprobation of nineteen-twentieths of its inhabitants, and which will have a greater tendency to create discontent, than any other act of his administration. We allude to the establishment of Rectories, to the number of *forty-four*, each with an endowment of from 105 to 800 acres of *Clergy Reserves*, some including valuable Town lots, as will be seen by the Schedule which we publish to-day. The value of the endowments is not so much the subject of animadversion as the principle involved in the act itself, a principle directly opposed to the known wishes of the country, and, in our opinion, directly at variance with its religious interests. After the repeated expression of the opinions of His Majesty's subjects in this colony against the establishment of any church with exclusive rights and privileges,—opinions expressed time after time in addresses from the popular branch of the Legislature, *in which all parties have been nearly unanimous*, and in numerously signed petitions to His Majesty's Government and the Imperial Parliament, supported by christians of every denomination, including a very respectable portion of the *members of the Church of England*,—we had been led to entertain a hope, almost amounting to certainty, that no attempt would be made to *force* upon this country an established religion. But the act has been done, and a system has been introduced, the ultimate result of which, if persevered in, will be to establish a dominant priesthood of one church entirely independent of the people as it respects their support.

" That it was the prerogative of His Excellency to do as he has done in this particular, we have no disposition to question.—The Constitutional Act evidently vests in him that authority, with the advice and consent of the Executive Council; but many things are lawful, the expediency of which is very questionable, and in this particular instance the *inexpediency* of exercising the constitutional prerogative was most obvious.

" His Majesty's Government has declared an anxious desire to settle this long agitated question, in the manner which would be most fully in accordance with the views and wishes of His Majesty's subjects here, and has avowed a readiness to acquiesce in any measure for that purpose, in which the two branches of the Provincial Legislature should agree; and although we strongly disapprove of the tenacity with which each branch has hitherto clung to its own particular scheme, and thereby kept the subject open to discussion, to the disquiet of the community, yet we were entirely unprepared for the intelligence that an under-current was at work, by which the wishes of the great body of the population, and the declared conciliatory intentions of His Majesty's Government, were to be so effectually frustrated.

" We can see no plan so feasible for putting a speedy termination to the bickerings and jealousies of which the Clergy Reserves have been so fruitful a source, as the reference of the whole affair to His Majesty's decision, accompanied with representations of the views of both branches of the Legislature, and with petitions expressive of the anxious wishes of the people from every part of the Province. The Royal word has been pledged that those wishes shall be the rule of decision, and in that word we do repose the most implicit confidence."

Thus the public will see that your attempt to prove that the members of the church of Scotland are the only discontented portion of the community, on the subject of the Rectories, is an entire failure, for the Rev. Editor of the *Guardian* has extensive opportunities of knowing the public mind, and his sentiments and information are in direct opposition to your assertion.

This is not all;—I do not rest my case on the opinion of the Editor of the *Guardian*, although from his known respectability of character and talent, he could not make such representations,

uncontradicted as they are, were they not fully borne out by the entire conviction of a great majority of the people ; for two months after that article was written, the Conference of the Wesleyan Methodist Church, assembled at Belleville, prepared and forwarded to His late Most Gracious Majesty, an address containing the following paragraph:—

“ We also beg leave most humbly to represent to Your Majesty “ that we, together with the great majority of your loyal subjects, “ are conscientiously and firmly opposed to the recognition of “ any church establishment within the Province. It is, therefore, “ with extreme regret we have learned that during the past “ year fifty-seven Rectories have been established, and endowed “ out of the lands set apart for the support of a Protestant clergy, “ notwithstanding the wishes of its inhabitants, so often constitu- “ tionally expressed by petition, and through their representa- “ tives in the House of Assembly.

“ We should not discharge the duty we owe to Your Majesty “ in the present posture of the affairs of this Province, did we “ not most humbly and respectfully convey to Your Majesty our “ full conviction, that nothing could tend more directly to weaken “ the attachment of the people of this country to the parent state “ than the continuance of this system of exclusive patronage of “ any one church ; nor could any measure more happily con- “ duce to allay existing agitation and dissention, and to produce “ a more affectionate and enthusiastic devotion to Your Majesty’s “ Government, than an assurance that this system will no longer “ be pursued.

“ Signed by order and on behalf of the Conference,  
“ Wm. Lord, President.  
“ Wm. Case, Secretary.

“ Belleville, Upper Canada, }  
“ June 13th, 1836.” }

And to this address Lord Glenelg gave a very polite answer on the 14th September of the same year. What must now be thought of your declaration in the first letter, that “ no other de- “ nominations have had any public meetings or proceedings on “ the subject.”

You complain that the petitions to the Legislature against the

Rectories, "were conceived in language of great bitterness and hostility," and I readily grant that some of them were couched in terms that I would not have recommended, and which appeared to me to convey more feeling than was necessary or commendable. At the same time, it ought to be borne in mind that the parties complaining wrote under a strong sense of injury, and with a firm persuasion that they had been deceived, whether by the Home or Colonial Government they could not tell, and it is quite natural, when people believe they have suffered wrong, to express their mind more freely, than under ordinary circumstances they themselves would approve of. This is the only explanation I can give for the temper you find fault with. But if they have erred in that respect, what must be said of the outpouring of your mind against them and me? for if I am capable of forming an opinion, the heat you censure in them, is wholly extinguished by the raging fire of your ungovernable passion.

You animadvert very strongly no the principles embraced in the 7th resolution, adopted by the Delegates at Cobourg, and which formed part of the prayer of the petitions to His late Majesty and the Parliament, and I am free to admit that they are such as I could never assent to, for they would confer power beyond what I conceive would be prudent or safe, to clothe any church with in this country, however salutary I believe them to be in Scotland; and when the proceedings of that meeting reached me, I felt very strong regret that the members of it had ineautiously adopted a resolution that was likely to create division. In faet it would have been out of my power to advocate the measure, and before I left this for England I was possessed of a writing which freed me from any obligation to urge that point; and this I explained to Lord Glenelg—so that although the petitions contained the application, which you have drawn the attention of your clergy to, it was understood by the government as not insisted on or desired—indeed I believe the delegates did not perceive the full extent of that resolution, and would not again adopt it.

The only reason for not printing, in the pamphlet, the Petitions to the Imperial Parliament, was, that they are verbatim the same as that to His Majesty. Your remark on their absence would seem to imply the existence of some other motive.

I could not but be struck with the singular neglect of facts

which appear in many statements you have made, and among others the following : " Had His Lordship (Glenelg) been made aware of the grave decision of the House of Assembly, in favour of the Rectories, and the more than sufficient authority in possession of the Provincial Government for their erection, we cannot believe that he would have called their legality in question, much less allowed, as a nobleman of the nicest honor, an inaccurate case to have been submitted to the law officers of the crown." Is it not strange that you should resort to such excuses to palliate what you represent as improper in his Lordship's proceedings ? for I contend that you had no right to address letters to me complaining of the correspondence I held with the colonial department if you never read it, much less to infer that his Lordship was intentionally kept in ignorance of so important a matter as the proceedings of the Assembly. Can it be necessary that you should learn from me, that all such important information is promptly forwarded to the Colonial Secretary from the office of His Excellency the Lieutenant Governor ? The journals were printed daily, and it is not very reasonable to suppose that the questions put on so interesting a subject as that which engaged the consideration of the Assembly on the 9th February last, would be kept back. But even if the information had not been forwarded by His Excellency, still his Lordship requires no such excuse from you. He was made aware of the "decision" of the House of Assembly, as my letter of the 5th June plainly shows, and how you could induce the reader of your letters to me to think otherwise, requires explanation. It is true I did not represent the decision as a "grave" one, for the published account of the debates that evening did not lead me to understand that it was particularly so ; still his Lordship knew when the despatch of the 6th July was signed, in which he questions the legality of the Rectories, that the Assembly had come to a vote which "regarded as inviolable, the rights acquired under the Patents by which Rectories have been endowed."— And I may mention to you what I told His Lordship in that letter, that I do not believe the Assembly would have passed any such resolution, had it not been supposed that the "sanction" of the Home Government affixed the seal to each Patent.

You allege that His Lordship "allowed" an inaccurate case to be laid before the Crown Lawyers : if so, whose fault was it ? I certainly not His Lordship's; for after applying to the Provincial

Government for information respecting the authority under which the Rectories were established, he made out a case from the papers with which he was furnished, including the minute of council of the 15th January, 1836, and other instruments which are referred to, and after consulting all these documents, he came to the conclusion, "that no such sanction had ever been given."

So far I have written in reply to your arguments in the Address and in the Letters, without regard to any arrangement in either, but under the impulse of promiscuous ideas connected with both; and now I shall endeavor to explain what you have attempted in your second letter to exhibit as a misrepresentation on my part. I mean the picture which I drew, for Lord Glenelg's information, of church patronage at the Seat of Government, and which you are pleased to say is one of the "shifts to which the enemies of "your church are driven, in their vain attempts to make out a "case against her." This is the old tune that seems to suit every kind of metre, and the only one, it would appear, that you can play. It is not the church I find fault with, I disclaim any desire to "disparage" her, and nothing I have ever said or done can fairly be represented in that light. The church of England in the Province has not yet received the possession of either building lots or glebes at all adequate to my estimation of her necessities, although in some particular places I think an over anxiety to secure glebes has been shewn, and the only real difference between us on this head is, that while I am anxious to see your church thriving in company with ours, you are so selfish that if you can only provide well for your own, you are quite content that ours should starve !

The old maxim of "live and let live," would seem to form no part of the code of regulations which you have framed for the government of your proceedings in church matters.—Even the "refreshing" lovely spectacle which London annually presents, of churchman and dissenter cordially uniting in the many munificent works of christian charity, with which that mighty metropolis abounds, receives the scowl of your unaccountable condemnation. What must be the surprise of those great and good men, both clerical and lay, who are not ashamed to be found "on the platforms of promiscuous religious assemblies," contributing their wealth, their influence, and their talents for the dissemination of the Scriptures of truth, among the be-

nighted millions of the human family in every corner of the globe. Yes, what will be their astonishment, amidst the consoling reflections on time thus spent, to be told by you that they are the votaries of a “false liberality, which is so much the fashion of the “times, and which consists in insincerity, absence of all principles, fickleness, mystery, and false shame;” and that the “true “churchman cannot conscientiously join those who differ from “him in societies for the promotion of religious purposes” !!!— Alas ! that mere mortals of the dust, the frail inhabitants of the passing moment, should on their journey to an endless eternity fall out with their fellow travellers by the way, and refuse each other help to secure a safe entrance to that abode, where they must all occupy the same platform, forgetful of the jealousies and sectarian strifes which seem so all important now. All churchmen are not actuated by such feelings ; there are many of your order who will not withhold their meed of approbation from their fellow labourers of other christian communities. How I was delighted with the eulogistic eloquence of the Rev. Dr. Crolly, bestowed on the church of Scotland, in his splendid speech at the Conservative Festival in London in June last, and with what heartfelt cordiality did the clergy of the church of England present, applaud every sentence of approbation which fell from the lips of this eminent divine in favour of Scotland’s clergy. I could not but think of Upper Canada, and lament that no such heart cheering demonstration of christian philanthropy is countenanced by English church dignitaries there. The toast which occasioned the brilliant speech I refer to, was “The Archbishop of Canterbury and the Established churches.”— Not “the Church of the Empire,”—not “the Established church,”—but truly and really what it ought to be, “the Established Churches,” and this toast was rapturously received by more than two thousand English churchmen, from men of noble rank down to the respectable merchant and tradesman, including many persons of eminence in the church, the senate, and at the bar.

So far from having painted the view you find fault with, in colours calculated to give a wrong impression of the original, I, for fear of such complaint, intentionally kept the light and shade too dim, and thereby have verified the old adage. To prove to his Lordship that the Scottish inhabitants of the Province had reason to find fault with the distinction manifested between your church and ours, I said, that at the Seat of Government,

The English congregation had received several most valuable grants of land, and one thousand pounds to assist in building their church—

That the Catholic congregation had received three building lots there,—

But that the Scots congregation had never received one foot.

And pray have you shown that this statement is not true to the very letter? I think you have not. My observations were intended to apply exclusively to lots granted in Toronto, and by your own statement the Scots congregation of that city has never been favored with one. "The Town lot consisting of half an acre," which you say "was set apart as a burial ground for the Presbyterians in connexion with the church of Scotland," in "December 1824," cannot certainly be regarded as a grant made to assist the congregation I am speaking of, as it was not at that period in existence, nor even contemplated. But you give as a reason for their not getting a grant in the city, that the lots at the time this congregation was formed were all either sold or granted.—Look, if you please, at the records, and perhaps you will discover that a grant or grants were made to the Catholic congregation since 1830, besides 15 acres to your congregation, worth at present £60 per acre, and more. This would seem to remove one ground you take against my complaint, for if lots could be found for one purpose, they might have been got for another, had the *will* accompanied the *power*. How easy it was to say to the Trustees of the church in question, "We have no building lots "that will answer your object, but you are very welcome to one "in the Garrison Reserve, or to one of the Park lots on the east "side of the town, which you can dispose of, and with the proceeds "discharge the debt due to the magistrates for the piece of ground "they sold you off the Court House Square." Such encouragement would have been duly appreciated, and it was easy of accomplishment; only think how many exchanges have taken place for the accommodation of various churches in your connexion, and a little countenance of this kind to the Scots inhabitants at Toronto would not have been lost on them. But you say "on the 3d September, 1835, a grant of one hundred acres was "ordered to the Scotch Church at Toronto," and by that circumstance you suppose you have made out a clear case of mistatement against me, but as I have already said, when I drew the

comparison, I spoke of grants in Toronto and had no regard to Glebe Lots; for if I had, a much stronger contrast might have been exhibited, giving you at the same time every praise for this very liberal appropriation. No, no, I never imagined that this inconsiderable grant of 100 acres in the country, would be urged by you as conclusive evidence that the Scots church had not, according to my shewing, been ill used with respect to a grant in the city. For if I had, it would have been an easy matter to place it in juxtaposition with the 3000 acres given to your congregation. However as my statement, correct as it is, has given you so much offence, I will put down in opposite columns all the lands which to my knowledge have been granted to the three congregations, whether situated in town or country, and that you may have no further occasion to find fault, I will even insert the half acre burying ground, although it was not located for the congregation I was treating of, and I am much surprised to hear that the church of Scotland had such grant at all. The lots and farms to your church, St. James', Toronto, embrace all that you state to have been received by the incumbents up to the date of your letter to His Excellency Sir J. Colborne, of the 31st January, 1835.

*Grants to the Episcopal, Catholic, and Scots Congregations in  
in the City of Toronto.*

Episcopal, Church of England:	Catholic Church.	Church of Scotland.
Park lot No. 11, 100 acres, on which the buildings of the Law Society are now erected,—very valuable.	Park lot, East of town.	Park lots.—None.
6 Acres in the centre of the town.—very valuable.	Building lot, centre of town.	Building Lots,—None.
1 acre old Gaol } rented at ground. £250	Building lot, Garrison Reserve.	Glebe, 200 acres—Granted in Council, but after one of the trustees called at least a dozen times at the public offices without being able to procure a lot worth taking, he gave up all hope of success.
1 acre Hospital } per ground. annum.		Burial ground,—None. The statement respecting the half acre for that purpose, is without foundation, as a letter from the trustees in the appendix will shew.
Glebe lot No 14, 2d C. E. Yonge St. " " " 6,2 " " " " 22,2 " " " " 9,2 " " " " 17,3 " Containing 1000 acres.		
A grant of 2000 acres in the vicinity of Toronto, also very valuable.		
Another grant of 15 acres in the city near the Catholic Church, quite recently worth one thousand pounds.		

Now after this second successful attempt to prove the truth of my complaint, that a "mark of inferiority" had long been attempted to be placed on the Scottish church in Upper Canada, it seems to me quite probable, that Lord Glenelg will decide that a picture drawn with materials prepared by yourself, tells much more strongly in favor of my statement than I had formerly represented to him.

I come now to consider the contents of your 4th letter, and to justify what you call my general accusation, "that with few exceptions the Scots inhabitants have met with the most discouraging obstacles to their applications for grants of land for their several churches." You say that "in support of this accusation "I unfortunately depend on a letter with a table and remarks "compiled by the Rev. Wm. Rintoul." You will see that this is a mistake, for my letter from which you extracted the above sentence is dated the 13th July, and Mr. Rintoul's statement did not reach me till the 16th, as you will perceive by my note to Lord Glenelg of the following day. So that the table furnished by Mr. Rintoul could not have influenced anything I had written previously. I am individually responsible for what my letter to His Lordship contains. Of the correctness of Mr. Rintoul's table I have never given an opinion, not being acquainted with all the facts it embraces. But one thing I am certain of, that he would shrink as much from the commission of "gross deception" as any person with whom I am acquainted, and I feel persuaded that he will be able to account satisfactorily for what he has written.

I ought to thank you for the deep interest you feel for the safety of my reputation, and for your lively regret that prudential motives had not induced me to withhold a paper so disrespectful from Lord Glenelg. Having said this, I may acquaint you that the insinuation, which accompanies your very flattering compliment, falls short of the mark, for I had no hand in publishing the table and remarks which appear in the pamphlet, or in withholding the letter.

My assertion I justify by the Surveyor General's Return of Glebes of the 7th February, 1834, which you will find in the Parliamentary Journals, and by many applications which within my own knowledge met with most "discouraging obstacles," sev-

ral of which are in the very table No. 2, which you have "extracted from the records of the Executive Council and Surveyor General's Office," to prove that our complaint is groundless. Is it no obstacle to an application to find that after the Council has been pleased to report favorably on the petition, that no lot worth acceptance can be procured, although many are vacant?—when the petitioners point out some clergy lot as vacant, to be told that Mr. this and Mr. that had recommended Numbers so and so to be kept for Glebes, and that therefore they cannot be given? In this way many of the parties were wearied with disappointment and took lots, comparatively speaking, of no value. These you now exhibit on paper as a most bountiful provision, and tell me that the Scots churches are better endowed, in proportion to their claims and numbers, than the English church with its 57 Rectories! I feel so astonished at the assertion that argument, however well supported by plain and obvious existing realities, would seem hereafter to have lost its use. The intrinsic worth of the grants to your congregation alone are, I firmly believe, in amount tenfold all that the church of Scotland congregations have received from one end of the province to the other. And you can scarcely look at a Township in the Niagara District, where a proportion nearly as great will not apply.

In the Surveyor Generals Return, I see that all the Glebe lots in that beautiful peninsula composed of the Niagara District and a few townships at the head of Burlington Bay, are marked as belonging to the church of England! Not one lot left for the sister church. Even in Ancaster, you quietly keep a thousand acres, unmindful of the wants of the Scots church there, which by the Return would seem never to have been favoured with a paddock to feed the minister's cow on. But all this you will say is just as it should be; and if I would only remain in torpent insensibility to the interests and claims of our countrymen here, no doubt I would be a good fellow, in the every-day acceptation of the term, and save myself a great deal of trouble, besides being spared the unpleasant necessity of contradicting you in many things you have advanced. However, this situation, pleasant as it might be to some, has no attractions for me; and while I feel that Scotsmen and Scotsmen's rights are left in the shade, I must and will speak and act. Therefore, lash away, I fearlessly meet you, and so long as I believe the cause is just, I will espouse it, nor be deterred by the application of language tenfold

harsher than you have hitherto used, and you have not been at all sparing in that commodity.

I repeat that in my anxiety to forward the wishes of many congregations, which within the last three years have petitioned for grants of Glebe Lots, I have found it almost impossible to make a location worth possessing, and if you still doubt the fact, I shall prepare a list of the particular cases and lay it before you in a subsequent letter; but I may now again say, that several of those I allude to, you adduce in support of your refutation of what I have asserted, but these are not nearly all. The Glebe of 200 acres in Elmsley, for "Perth," which you draw particular attention to as "a most valuable tract of land," is no better, no, not so good, as very many that I could name which you have recently set apart for various English Churches, but even this lot, would never have been obtained had I not, as the saying is, worked hard for it, and after it was secured, by lease, not grant, as you affirm, such a hub-bub was kicked up in consequence, at head-quarters, that I at one time intended to advise the Trustees to relinquish one half of the lot. If you want an explanation of what I mean, I am perfectly willing to gratify you. Now, with the fact that I hint at here, it is not at all wonderful that I should refuse my assent to your claiming merit for benevolence of disposition in any quarter, as far as this lot is in question, however ready I am to acknowledge the kindness of the council, at which you presided, for making a grant of 200 acres, although they knew nothing of the situation of the lot, or its quality. The obstacles I had in view when I penned the complaint were not intended to apply to the decisions of the Executive Council, but to that illegal controul over the Clergy Reserves, which was exercised by the Clergy Corporation, and which enabled its members to mark, as suitable for glebes, vast numbers of lots, and also to countenance the occupation of many more by squatters, so that, generally speaking, the congregations of the Scots Church had either to put up with rejected lots or go without. I call the Corporation an illegal institution, because it has excercised power and authority not known to the constitution; it was the cause of the evils I have just explained. And what is further, and more provoking still, the expenses of its efforts to deprive the Church of Scotland of what is her right, were defrayed from funds that her clergy should have benefitted by,—I mean that the clergy of your church were paid their

travelling expenses to Toronto on various occasions, and that your expenses in England, when you were making every effort against the claim of the Scots church, were also borne out of the clergy reserve fund, which Her Majesty's Government say belongs to both churches.

I have just read your fifth letter to me, but such a letter I never met with before. You appear to have broken through all bounds, and set at defiance every rule for the guidance of controversial discussion. My first impulse was to pass it over in pity and in silence: indeed if I sought to injure you, giving that letter extensive circulation would be a most effectual means; but though feelings, akin to any thing but those of anger, perplex me, when I look at that most extraordinary production.—I know not why I should receive without answer some of your very singular observations, merely because they are conceived in language the most supercilious and dictatorial that can well be imagined. Surely the standing of our countrymen on the scale of colonial society, has descended contemptibly low if the strain in which you speak of us in this as well as some other of your late writings can in any measure be justifiable.

After quoting a sentence from my letter to Lord Glenelg of the 13th July, you ask the following question:—"Would not any person on reading this passage, infer that the Ministers of the Scots Church had been totally unprovided for; and would he not stare at the hardihood of the writer, when told that a liberal allowance had been made for their support, &c.?" My answer to you is, no! Lord Glenelg to whom I was addressing myself, and for whose information I wrote that passage in the letter, as well as the other members of Her Majesty's Government with whom I was in correspondence, could infer such unreasonable idea. The amount paid to our Minister and the temporary fund from whence it is derived, was the particular subject of frequent conversations with these honourable individuals, and therefore they might well think it most singular if I had formally announced to his Lordship in that letter, that those of the Scots Clergy in Upper Canada who receive aid from Government, are paid £57 10s. sterling each, out of the Canada Company instalments, which fund will cease in three or four years. His Lordship and Sir George Grey very naturally would have said, "we are quite well aware of this fact,

"and you may remember it was perfectly understood in our late conversation, and you urged this approaching difficulty as one of the strong reasons for an early payment of your Ministers "out of the Clergy Reserve fund."

Such I conceive might have been his Lordship's answer to me had I written anything, along with what you have quoted, to suit your ideas. I was addressing his Lordship in reference to the frequently admitted claim of the Scots Church to share in the Clergy Reserves, and also in reference to a conversation Sir George Grey held with me on the very subject you blame me for not mentioning in my letter; and it appeared to me proper to express my surprise that notwithstanding the oft-repeated recognition of our claim, not one farthing of the Reserve funds had ever been paid to our Church; and then I mentioned my satisfaction that his Lordship by ordering a certain sum to be paid to the Ministers in Lower Canada, from that source, had admitted the principle which we had long contended for, and I said I hoped that justice would speedily be awarded to the Clergy in Upper Canada. Now, although this very reasonable, and proper, and I will add, temperate paragraph has, it would seem to you, afforded you an opportunity to address me in a way that does not redound to your credit, I am quite certain that neither Lord Glenelg nor Sir George Grey will see anything in my remark that required "hardihood" in the writer. Does it require hardihood to enable any man to communicate sentiments and opinions which he sincerely believes are founded on truth and justice? Feeling that I neither wrote nor spoke one word of Her Majesty's Ministers, which the most scrupulous observation of honourable intention could question, I must express my astonishment at being arraigned in this rude manner by you

You go on to say "The terms upon which you propose to make peace with the Church of England," are—no, I shall not attempt to defend the members of the Scots Church from imputations such as your next paragraph contains, resting quite secure in the belief that few of the members of your own Church will, & can, give countenance to such language or charges. Suffice it to observe, that my proposition for the division of the Clergy Reserves I think will be found to be quite as acceptable to the general wishes of the inhabitants at large as the recommenda-

tion last February of the Committee of the House of Assembly, of which Mr. Draper was chairman.

You say, "had the venerable Clergymen, (Drs. M'Leod & M'Farlane) whom you invited, come to your aid, they would, "I am fully persuaded, have advised you to pursue the same course that Dr. Mearns adopted in 1823." Be it known to you that Doctor Mearns knew nothing in 1823 of the opinion of the Law Officers of the Crown in 1819, on the legal construction of the Act 31 Geo. 3, cap. 31; and as to what you suppose those reverend gentlemen would think or do on this subject, what follows may perhaps change your opinion of them.

"The humble memorial of Duncan Macfarlan, Doctor in Divinity, Convener of the Committee of the General Assembly of the Church of Scotland on Churches in the Colonies,

"SHEWETH,

"That prior to the Treaty of Union, between England and Scotland, Acts of the Legislatures of the two countries were passed, establishing and confirming the respective Churches of England and of Scotland, as they then stood established by law, within the said respective realms; and, by the Treaty of Union itself, it is expressly provided, that there shall be a communication of all rights, privileges and advantages, which do or may belong to the subjects of either kingdom."

"That under these securities, Ministers of the Church of Scotland, settling in the British Colonies, are clearly entitled to a share of all grants of land, or money, and to all other privileges and advantages, which are bestowed by Government for the purpose of religious instruction in these Colonies, as amply and beneficially as Members of the Church of England, or of the Church of England and Ireland, are or can be so entitled." &c. &c. &c.

*July 27th, 1836.*

(Signed) D. MACFARLAN.

To the memorial from which the foregoing is extracted, Sir George Grey, Bart., returned an answer, dated:

{ "COLONIAL OFFICE, DOWNING STREET,  
"August 11th, 1836.

"TO VERY REVEREND PRINCIPAL MACFARLAN.

"SIR,

" I am directed by Lord Glenelg to acknowledge the receipt of your letter of the 27th ultimo, accompanied by a Memorial, setting forth the claims of the Church of Scotland to support in the British Colonies. In reply, I am to inform you, that His Majesty's Government entertain the most profound respect for the privileges of the Church of Scotland, and are fully prepared to admit the claims of that Church, throughout the British Colonies, to such measure of support out of the funds applicable to the maintenance of a religious establishment, and not specifically appropriated to any particular Church, as may be proportioned to the number of the Colonists, who belong to her communion. With reference to the two distinct claims on behalf of the Church of Scotland, which have been preferred in the Memorial, his Lordship has to offer the following observations:—

" *First.* The appropriation of the Reserves in the Canadas, has, in pursuance of the Constitutional Act of 1791, been referred to the Provincial Legislatures.

" *Secondly.* With regard to Van Dieman's Land, and also to New South Wales, His Majesty's Government have recently adopted the principle that contributions shall be supplied from the public Revenue in aid of religious worship, in proportion to the voluntary exertions made by the members of certain religious communions, among which the Presbyterian Church is included, for the support of their respective Ministers. By the arrangement which has, on this principle, been recommended to the local legislative bodies, the Church of Scotland will, in these Colonies be, for the future, equally entitled with the church of England to share in the public funds applicable to the general object of religious instruction, in proportion to the amount of private contribution."

(Signed)

GEORGE GREY.

I would just ask you what will be the surprise of the Rev.

gentleman, respecting whom you have used such fine "sugared language," when they discover that the principles they advocate are by you characterised as "tearing to pieces the Church of the sovereign?" For your information I add an extract of another memorial from the same Committee and signed by Doctor Macfarlane, at Edinburgh, 21st March, 1837. It is addressed also to Lord Glenelg, as principal Secretary of State for the Colonies.

" The memorialists beg leave to repeat the assertion of a principle which they apprehend cannot be controverted, viz : " That by the Treaty of Union, the ministers and other members of the Church of Scotland are entitled, in every colony settled or acquired since the year 1706, to be put on a perfect equality in all respects with those of the Church of England, in proportion to the number belonging respectively to each denomination."

The following is part of the answer which Sir George Grey gave to this memorial, and which he obligingly read to me on the 3d of June last. It is dated 31st May, 1837.

" His Majesty's Government see no reason to dissent from the general principles asserted by the memorialists. They are desirous of giving to it the fullest practical operation, which the means at their disposal, for this purpose will allow."

" With regard to the application of the proceeds of the Clergy Reserves in Canada, Lord Glenelg directs me to observe, that notwithstanding the extent of these reserves, the profits derived from them were, for many years, only sufficient to defray the expense of management, and that it was not until after the passing of act 7 and 8, George 4th, C. 62, authorising their sale, that any net sum was realised from them.

" While Lord Glenelg is prepared fully to admit the right of the Ministers of the Church of Scotland officiating in the Colony, to participate in the proceeds of the fund raised from such sale, he regrets, that owing to doubts formerly entertained on the construction of the Act of 1791, on this subject, there is not at present any unappropriated revenue derived from those lands in the Upper Province, out of which stipends could be imme-

"dately assigned to Ministers of the Church of Scotland.' In  
 "that Province, however, the annual sales are so considerable,  
 "that His Lordship sees reason to hope that this difficulty may,  
 "at some early period, be overcome, even if no steps should  
 "previously be taken by the Provincial legislature for setting at  
 "rest the questions respecting the Clergy Reserves."

Signed,      GEO. GREY.

There is one other expression in this notable letter of yours that I may now remark upon, it is this, "your reception, I confess, would have surprised us, if any thing in the present times could surprise us." The insult and rebuke which this sentence contains are applicable not to me alone, but strike with direct force both Her Majesty's Government and the Scottish population in Upper and Lower Canada, whose agent I was. What reception did I meet with at the Colonial office that the respectable people who sent me there had not a right to expect at the hands of Gentlemen? Her Majesty's officers of that department treated me with ordinary business-like civility, and nothing beyond that: and this, forsooth, is to come under the ban of your high displeasure. Things certainly would come to a pretty pass if no individual could be permitted to enter the door of the Colonial office without a certificate from you. Lord Glenelg must, in future, be cautious how he transacts business with any one from this colony who carries not your recommendation with him!

You have oftener than once said, that if the Scots Church desired to obtain a portion of the Clergy Reserves that it should have resorted to some judicial proceeding, to ascertain the meaning of the act of 1791, or have appealed to Parliament to get the statute altered so as to embrace that church. But why, I would ask you, should we do any such thing? we are satisfied with the protection of the act as far as that question is concerned.—The highest legal authority confirms our right. Her Majesty's Government admit, to the fullest extent, the principle and claim we have asserted: wherefore, then, are we to become litigants with you? We stand ready to abide the decision of Her Majesty's Government. You set that authority at nought. We received with gladness His late most gracious Majesty's assurance, on behalf of both churches. You have all along despised his parental concern for the welfare of any other than your

own. We find no fault with the reception by Her Majesty's Government of our national claims, which you say are "senseless" and "wicked." You pronounce that reception to be the working of a false liberality, and proclaim that you no longer have that confidence in the justice of Government that you formerly entertained. From all which, it appears, that we obey the will of Her Majesty's Government; you oppose it!

Your sixth letter I have seen by accident, and there is little in it that I shall take the trouble to notice. You say that I am "displeased with the composition of the College Council; but "certainly with little reason :" And in proof of this you inform me, that by the original charter, that body consisted of nine members, all of whom, the Chancellor excepted, were to be members of the Church of England—that the amended charter increases the number to twelve, and that they need not belong to the Church of England. I have not the smallest doubt but that you consider my reason for being displeased at the composition of the Council, as groundless as you state, for in all your schemes to promote your favourite objects, it never enters into your mind that the members of the Church of Scotland are entitled to consideration or ought to express an opinion. The fault I find is, not that the members need not be of the Church of England, but that in practice it is proclaimed, that a member of the Church of Scotland shall not sit at that board; but you have a convenient method of surmounting all such difficulties, and in this instance you let us know that our countrymen who belong to the national church, are not sufficiently respectable to be associated with you.

I perceive you would fain persuade the House of Assembly that I have aspersed its character. This attempt may be classed with your evident anxiety to produce unfriendly relations between the clergy of the Church of Scotland and their dissenting brethren. If you derive pleasure from such attempts I shall not mar your enjoyment by dwelling longer on the subject.

You say that the feelings of the members of the Legislative Council were "so far from being hostile to the Church of Scotland that they unanimously recommended that a Theological Professor of the Church of Scotland should be appointed "as soon after the college went into operation as might be con-

"venient." I thank the members of the Council for their liberality. But you know how that recommendation originated in the select committee; and to convince you how little value I attach to it, I need only say, that I fear the fatal words "after" and "convenient" will exclude, during your lifetime at least, the old fashioned Geneva gown from the precincts of the College Avenue.

You "hold me amenable for the contents of all the letters and documents which I delivered to the Colonial Department."— What an amount of responsibility I must bear! Shall I tell you how many letters I delivered? Only one! Mr. Rintoul's, when I was on the eve of departure, and without making a single observation on the subject. He, no doubt, will notice your extraordinary language respecting him, but I trust will never follow your example when he does. As to documents, "all" I delivered was that address to His late Majesty upon which you have bestowed so many compliments.

You inform me that it was your "intention to animadvert on some of the *many* passages of my correspondence so rudely offensive to those whom I believe hostile to the objects of my mission, but finding it a sickening task, you forbear." I should have had no objection to this mode of retreat which you have resorted to, had you published the parts of my correspondence with Lord Glenelg, which you are pleased to condemn in this manner: for in that case it would have been competent for the reader of your letters to judge whether your very summary sentence was warranted by fact. But I must protest against any such unjust decision without proof, and now call upon you to point out, in all my letters to his Lordship, a *single* expression which can, in the estimation of any honourable and impartial mind, be regarded as "rudely offensive."

Two letters of mine addressd to Mr. Gale, after my return from England, which I never intended for publication, I regret to say, happened to be added to the correspondence; and although they contain nothing but the sentiments which I entertained when I wrote them, yet being expressed with more freedom than I should use in any thing I intended for public observation, they may be regarded as too severe; but even these letters are mild indeed when compared with your free style of late.

The remaining part of the last paragraph of your closing letter I really deem unworthy of notice as far as it applies to myself—but that you should brand the Rev. Editor of the *Examiner*, a person by education, talent and character, quite as respectable as yourself, a “contemptible and venomous writer,” appears to me incompatible with that christian charity which we are enjoined to exercise towards each other, and which a minister of the gospel, of all other men, should scrupulously observe.

You sneer at my proposition for the settlement of the Clergy Reserve question, although it would secure to your Church upwards of 800,000 acres of land in Upper Canada, or more than 3000 acres in each township of ten miles square, an endowment which the Imperial Parliament may yet consider quite ample for the maintenance of your clergy; but you say, “had I gone “to London merely to propose this plan, and not for the destruction of the Rectories, you should not have complained.” Would you not? Let the public read your letters to me and your address to your clergy, of the 13th September last, and decide.

What follows, I wrote after my arrival at Toronto, on the 14th instant, and I may observe, that although I prepared an answer to your extraordinary letters to me, yet it was not my intention to publish it (as I intimated to you on the 13th December last) until the alarming state of the Province had been restored to tranquillity by the subjugation of her enemies. I think you would have consulted the good of the country had you postponed the publication of your letters until rebellion and intestine troubles had disappeared, for although your first letter to me is dated on the 17th November, it was actually promulgated through the columns of “*The Church*,” on the 2d of December, just two days before the rebels attempted to take and plunder Toronto, and you have kept up an incessant fire at me ever since. And not content with the circulation which “*The Church*” could give to the letters, I perceive that you now have them printed in pamphlet form, and that they are liberally distributed among the members of the legislature, and no doubt much pains will be taken to supply Her Majesty’s Ministers and the members of the Imperial Parliament with the information which the pamphlet contains, to the end that I and those who sent me to England last spring may be stigmatized as people of disreputable charac-

ter, whose statements ought not to be believed. Under these circumstances I have determined no longer to keep back this, my answer, believing that it contains a powerful antidote, sufficient to dispel the injurious operation of your most singular assertions.

It would be uncandid in me to say that I feel indifferent to the charges which you have brought against me, or that I disregard the consequences of your endeavour to injure my character as a man of truth. I trust I shall never so far sink into insensibility as to hear, without pain and concern, imputations brought against my veracity, which, if well founded, would justly forfeit my right to mix in society with honorable men. I must be depraved indeed, if it is true, as you assert, that I permitted myself to become the "channel of much calumny and falsehood," that I "departed from accuracy of statement," that the matters of which I complained to Her Majesty's government are, "in a great degree frivolous, deficient in christian candour, and not, in all respects consistent with truth and accuracy of statement," that I made representations to the Secretary of State for the Colonies, which required "boldness" and "hardihood," in fine, that I was guilty of "gross deception" and "falsehood." These are charges which you have preferred against me in the publications I am now considering, and were I unable to answer what you allege in support of allegations so deeply affecting my reputation as the father of a family, as an inhabitant of the province and member of the legislature, never again ought I to be regarded as fit to associate with honest men; & well might Lord Glenelg look on me and those whose interests I represented, as an unprincipled faction. But what have you endeavoured to substantiate against me in support of accusations so very serious? Nothing that I can discover in your letters but what relates to my complaint on the subject of grants of land to certain congregations of the City of Toronto, and also regarding my declaration that obstacles had been thrown in the way of applications for Glebes to the Scottish Church. I shall treat of these two matters separately, and first, with respect to the comparison I drew for Lord Glenelg's information of church patronage at Toronto.

To prove that my statement is untrue, you address the following observations to me in your 3d letter, page 20 of the pamphlet:

"So long ago as the first of December, 1824, a town lot,  
"consisting of half an acre, was set apart as a burial ground for  
"the Presbyterians in connexion with the church of Scotland,  
"and a Patent granted in trust for the same." \* \* \* \*

"Such is the true state of the two cases brought forward in  
"accusation of the Colonial Government, and in disparagement  
"of the established church. The Scotch congregation was not  
"organised till very lately, when it was not in the power of the  
"local government to bestow convenient grants of land; yet a  
"burial ground was set apart, in anticipation that such a con-  
"gregation would at some time be collected, and the Provincial  
"authorities evidently shewed a friendly anxiety to do every thing  
"possible for their accommodation."

"It is a painful duty to detect and expose such inaccuracy of  
"statement; but it is necessary, in order to defend the innocent,  
"and to show to what shifts the enemies of our church are driven,  
"in their vain attempts to make out a case against her."

This same grant of land is again referred to at page 25, in  
your 4th letter, as follows:—

"Toronto.—Granted on 3d September, 1835, southerly half  
"of lot No. 2, in the 4th concession, east of Yonge Street, 100  
"acres; again 7th April, 1836, on relinquishing the above the  
"Commissioner of Crown Lands is instructed to set apart 200  
"acres in some convenient place for the purpose prayed for,  
"besides the government lot north side Dutchess street contain-  
"ing half an acre; granted a tract on 1st Dec. 1824, for a burial  
"ground." And to give this statement the weight of official au-  
thority, you have headed the information as follows:—

#### "TABLE 2."

"Of applications made by congregations in connexion with  
"the Kirk of Scotland, for land, and the result to September  
"1837, extracted from the records of the Executive Council  
"and Surveyor General's Office."

It would be disingenuous in me not to own that when I first  
read the above statements, I felt much surprise; for having had  
frequent conversations with the Trustees of the Scots church of

Toronto, indeed having taken a lively interest in the formation of the church, and in an application for a lot upon which to erect the building, I thought it strange that they should own a burial ground without my knowledge; but when you published the fact as *taken from the records of the Government*, declaring at the same time that the lot was not only granted for a congregation in connexion with the church of Scotland, but that it was set apart "in anticipation that such a congregation would at some time be "collected," I of course supposed I was mistaken, and wrote what I have previously said on the subject under that impression.

From the solemn manner in which you declared "it is a "painful duty to detect and expose such inaccuracy of statement," I am held forth to the public by you in no very enviable light, and some of your friends and supporters, in consequence, do not hesitate to give opinions against the truth generally of my correspondence with Her Majesty's Government.

Determined to ascertain without delay all the particulars connected with the grant of this burial ground, I have examined the Government Patent, and find that there is not the slightest foundation for what you have stated respecting it in your letters to me. The facts of the case are these, as contained in the patent, which I have read from beginning to end:—That on the 15th April 1825, the half acre lot on Dutchess Street was granted for a burial ground to "the Presbyterian Congregation resident in the Town of York;" and it was conveyed to "Colin Drummond, Jesse Ketchum, William Stevenson, Peter McPhail, and William Arthur, and their successors in office, as Trustees, annually to be chosen by the Presbyterian congregation resident in the town of York." Not only was it not "set apart as a burial ground for the Presbyterians in connexion with the church of Scotland," or "in anticipation that such a congregation would at some time be collected," but the lot was positively and expressly granted to a congregation of Presbyterians, then and still in existence, and who are as well known to the people of Toronto to have no connexion with the church of Scotland as any fact can possibly be, about which there never was a doubt. Where is the inhabitant of Toronto who does not know that the congregation who worship in the small brick meeting house, erected by Mr. Ketchum, never had, or professed to have any kind of connexion with the Scots church? On the contrary, who can be

ignorant of the fact that its members condemn all connexion with the government, and for that reason some years ago withdrew from the dissenting body with which they were associated, in consequence of the public allowance made to its ministers ? Such are the weapons used to assail my reputation, and to convince Her Majesty's Ministers that I imposed on them statements so inaccurate that it was "painful" for you to "detect!" What reparation, I ask, can you make to me for the injury you have done not only to my feelings, but also to my character with the members of the Episcopal church scattered all over the Province, who read "the Church," and who may never have an opportunity of seeing my defence ? for I scarcely hope that my vindication will ever appear in that journal which has been the means of spreading unfounded statements so injurious to my good name.

After investigating the very extraordinary circumstance which I have just detailed, I naturally turned my attention to other parts of the table, in order to discover if all the grants stated by you, to have been made for congregations in connexion with the church of Scotland were in reality so, for some of them I felt convinced were in parts of the country where the church of Scotland never had a congregation. The following is the result of my search, or rather the search of the clerk of the council.

See your pamphlet, p. p. 24 and 25.

#### " TABLE 2.

" Of applications made by congregations in connexion with the Kirk of Scotland and the result."

" OSNABURGH.—Granted on 6th  
" October, 1826, the Western  
" half of the Centre Common  
" in the township of Osnaburgh  
" 24 acres. Patents issued.

The minute of Council proves that this is incorrect, no grant was ever made in that township, as stated, for the Church of Scotland.

" WILLIAMSBURGH.—Granted 6th  
" October, 1826, the Westerly  
" half of a strip of Land, situat-  
" ed in the centre of Williams-  
" burgh, 70 acres. Patents is-  
" sued.

Also incorrect like the former.

" PICKERING.—Granted 27th Oct.,  
" 1836, 200 acres not yet loca-  
" ted."

Alike incorrect.

I endeavoured to examine some other grants set forth in your table, respecting which I have doubts, but as I could not tell the clerk the names of the petitioners, it was out of his power to find the minutes relating to them ; should they also turn out like the foregoing, you shall be made acquainted with the circumstances hereafter. Looking at what you say, page 25, regarding "Lanark," it appears to me that "the westerly half of lot No. 2, in "2d concession" of that township would only contain 100 acres. You state that the "Patent for 200 acres issued;" pray is not this another error ? So anxious are you to swell the amount of endowments to the Scots Church, that you are not content with telling me that one solitary acre was granted to the congregation at Kingston, but you add that it "contains five "building lots." My argument would require a knowledge of the number of building lots belonging to your Church there, and the amount of revenue derived therefrom, but this kind of information you have no wish that I should possess.

A considerable number of the other cases in the table, the nature of which was not familiar to me before I reached Toronto, involve the same kind of difficulties which induced me to complain to Lord Glenelg of the "obstacles" felt by the Scots congregations when they applied for Glebe lots, and will more than justify my complaint, even had I known of no such instances before. Now, Sir, let me ask you what has become of the untruths which you have charged me with telling to Her Majesty's Ministers ? You are now placed in a position in consequence of your rash attack on my character, which you can never extricate yourself from, without at the same time atoning for the injury I have sustained at your hands.

You accuse the Members of the Scots Church of making an unworthy use of the other sects to suit their own purposes, and that afterwards they cast them off like a tattered garment. You next say that no body of christians in the Province, but those of the Scots Church, expressed any disapprobation at the formation of the Rectories.

To make your case complete, and to support your charges of falsehood against us, you are at pains to compile a table, (as if by authority) of grants of land to our congregations—and what do all these efforts on your part amount to ? Look at my re-

commendation for a division of the clergy lands—see the editorial observations from the “*Christian Guardian*,” and the address to the King from the Wesleyan Methodists against the Rectories—examine closely the letter which you received on the 19th instant, from the Trustees of St. Andrew’s Church, Toronto, (and which I append to this,) and also the inaccuracies which I have pointed out in your table, and where are your arguments, your justification for the harsh epithets you have so unfeelingly bestowed on us ? all gone ! scattered to the winds, and you stand unsupported by a single fact to give you countenance.

You may talk of grants to the Presbyterians, and of the “friendly anxiety of the Provincial authorities to do everything “possible for our accommodation,” and you may continue to write about lots and burying ground set apart for purposes that nobody ever heard of but yourself—all this you may do ; but it cannot remove from the minds of the Scottish and Irish Presbyterians of Canada the neglect and contempt our respectful applications have in many instances received, chiefly through your instrumentality, as is generally believed. Nor can the respectable Presbyterian inhabitants of Toronto, and others, who joined them in a petition to Sir P. Maitland, for a grant of land for a burial ground, cease to remember how that respectful application was treated, and how they were forced to purchase a few acres for which they paid £75, whilst you had no difficulty, not long ago, in procuring a grant of 15 acres, near the catholic church, for a similar object, as I am informed.

In your table, No. 2, you say, “The answer to the following applications by the Governor in council was,” ‘that in the present state of the clergy reserve question, the council do not think ‘it advisable to recommend any further appropriations.’ I hope the council felt equally scrupulous with regard to your application ; indeed I have no reason to suppose they did not, other than the assertion you made to the clergy of your archdeaconry, on the 13th September, that “twenty or twenty-two thousand “acres were attached to 57 Rectories,” when contrasted with your second letter to me, dated the 23d November, in which you state that 27,169 acres had been so appropriated.

Although you have furnished matter for much more extensive investigation and exposure than I find it convenient to make,

I shall conclude by saying, that every particular contained in my correspondence with the colonial department, is such as I would again represent without the slightest alteration, and such as I should desire, above all things, to submit to the investigation of any competent tribunal in this colony ; convinced as I am that the complaints we have made do not embrace nearly all the grounds which have long existed, and which, it is to be feared, will still continue, if your counsel is permitted to influence the administration of the Government.

I remain, Sir,

Your obdt. servant,

W. MORRIS.

## APPENDIX.

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(Copy.)

TORONTO, 19th January, 1838.

Honourable and Venerable Sir,

We, the undersigned, Trustees of St. Andrew's Church, having frequently asserted that we had never received any lands in aid of our church from the Government of this Province, think it due to our character to advert to certain statements which have been published in newspapers throughout the country, in the form of letters, written by you, and also in a pamphlet under the authority of your name, alleging that the Presbyterian church in connexion with the church of Scotland in this city has received from the Colonial Government various grants of land, all of which you specify in said letters and pamphlet; the terms whereof as respects Toronto, are as follows:—

"Toronto.—Granted on 3d September, 1835, southerly half  
"of lot No. 2, in the 4th concession, east of Yonge street, 100  
"acres; again, 7th April, 1836, on relinquishing the above, the  
"Commissioner of Crown Lands is instructed to set apart 200  
"acres in some convenient place for the purposes prayed for,  
"besides the Government lot north side of Dutchess Street, con-  
"taing half an acre; granted a tract on 1st December, 1824, for  
"a burial ground."

We assure you, on the contrary, that though *granting* may have been with you equivalent to receiving something, the case is widely different with us. Notwithstanding the statements so confidently set forth, we pray you to be informed that we have received no lots, nor piece of ground whatever, not so much as space to build our church upon. It is true that some time ago the Commissioner of Crown Lands was instructed to set apart 200 acres in some convenient place, and for the purposes prayed for, but, in point of fact, whatever lots were made known to us as so set apart, were found upon examination to be of little value to any one, and to us, so far from being in some convenient

place and for the purposes prayed for, not worth accepting. This we found to our disappointment, after most diligent search and repeated applications, after many petitions expressed in the most respectful terms, and signed by most respectable persons in this city.

As to your statement respecting the Government lot north side of Dutchess street, containing half an acre, which by a curious grammatical construction, you, unwittingly, no doubt, lead the public to believe is separate and distinct from "a tract for a burial ground," whereas they are one and the same, we beg you to take our word for it, that this lot, or *these* if you please, were never granted to us, nor to any Presbyterian congregation in connexion with the church of Scotland, nor ever by us, or by any one else, so far as we know, understood to be so granted.

We are,  
Honourable and Venerable Sir,

Your most obedient humble servants,

Ic. BUCHANAN, *Chairman.*

JOHN EWART,

WM. ROSS,

W. ROSE,

ANDREW TOD,

GEO. HENDERSON,

A. BADENACH.

To the Hon. and Ven. John Strachan, D.D.,  
Archdeacon of York.



